

REMARKS/ARGUMENTS

Claims 1-11 and 26-36 are active in this application. Claim 1 is amended for clarity and to specify that in step c only one type of dye-labeled dNTP is used. This is described on page 7, lines 10-18 of the specification. Claims 4, 6 and 10 have been amended for clarity. Support for Claims 26-36 is found in original Claims 1-11. No new matter is added by these amendments.

Applicants thank Examiner Lu and Whisenant for the courteous discussion granted to the Applicants' undersigned representative on April 29, 2003. During this discussion claim amendments were discussed to clarify the claims. In particular, omitting the phrase "by single dye molecule detection" from the preamble and providing "only one type of dye-labeled dNTP" in step (c) was discussed. The Examiner has agreed that the rejection under 35 U.S.C. § 102 would be withdrawn in light of this amendment (see Interview Summary of April 29, 2003). In addition, various clarifying amendments were discussed and the Examiner agreed to reevaluate the rejections on the filing of this written response. Accordingly, Applicants respectfully request favorable reconsideration.

In addition, Applicants thank Examiner Lu for agreeing to withdraw the species election as indicated on page 2 of the Office Action.

The rejections under 35 U.S.C. § 102 over Cheeseman (102(b) and Anazawa (102(e)) are respectfully traversed.

Both Cheeseman and Anazawa describe a primer extension reaction using DNA polymerase and four types of NTPs, each of which are differentially labeled (see column 2, lines 37-40 and column 4, lines 4-10 of Cheeseman; and column 6, lines 27-33 of Anazawa). In contrast, the present invention employs only one type of dye-labeled dNTP in the polymerase extension reaction.

Therefore, the present claims are not anticipated by either Cheeseman or Anazawa and as such withdrawal of both grounds of rejection is requested.

Likewise, the rejection of Claim 5 under 35 U.S.C. § 103(a) is traversed.

Mathies is relied upon to provide the use of confocal fluorescence microscopy to detect fluorescent signals. Therefore, the combination of Mathies and Anazawa provide no description nor any reasonable suggestion to employ only one type of dye-label dNTP as provided in the present claims. Therefore, the present claims cannot be obvious in view of these two references and as such withdrawal of this ground of rejection is respectfully requested.

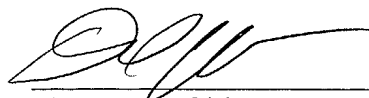
The objection to Claims 1 and 10 have been addressed by appropriate amendment.

The rejection of Claims 1-8, 10 and 11 under 35 U.S.C. § 112, second paragraph have also been addressed by amendment.

Applicants also request that this application now be passed on to issuance.

Respectfully submitted,

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